

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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RICARDO BROOKS GAMEZ,

Plaintiff,

v.

STATE OF NEW YORK, ET AL.,

Defendants.

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Civil Action No. 08-685 (PGS)

**ORDER**

On February 4, 2008, Plaintiff filed a complaint against several defendants, including the States of New York, Florida, and Pennsylvania. Plaintiff also alleged unlawful behavior by various unnamed individuals. This Court has reviewed Plaintiff's submissions and finds:

WHEREAS all named defendants are states and are immune from suit in federal court under the Eleventh Amendment. *Lombardo v. Penn. Dept. Of Public Welfare*, 540 F.3d 190, 193 (3d Cir. 2008);

WHEREAS all incidents listed in Plaintiff's complaint took place outside of New Jersey, and Plaintiff avers that he is a citizen of New York who has visited California, Florida, and Pennsylvania, but does not indicate whether he has ever visited New Jersey;

WHEREAS this Court cannot find any defendant who has "purposefully avail[ed him or herself] of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws," which is necessary for this court to exercise personal jurisdiction. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985).

Good cause having been shown, it is hereby

ORDERED that this matter is DISMISSED in its entirety without prejudice for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) and for lack of personal jurisdiction under Federal Rule 12(b)(2).

10/2/08

Peter G. Sheridan

PETER G. SHERIDAN  
UNITED STATES DISTRICT JUDGE